

III. REMARKS

Claims 1-30 are in the application. Claims 2, 6,8 and 19-30 are cancelled. Claims 1, 5, 7, 9-17 are amended.

This is a response to the Supplemental Office Action of August 10, 2007, which supersedes the Office Action mailed on August 3, 2007.

Claim Objections

Claim 9 stands objected to because the phrase "... essentially devoid of surfactants..." is a relative term, is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of scope of the invention.

Claim 9 has been amended to delete the offending words, thus obviating the ground for this objection. Basis for amended claim 9 appears in the specification at paragraph [0029] of the published application.

Claim Rejections - 35 USC § 112

Claims 5-8 stand rejected under 35 USC 112 because there is insufficient antecedent basis for this limitation "...the coalescent..." in line 1 of claims 5-8.

Claim 5 has been amended to recite proper antecedent basis.

Claims 1-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5-8 stand rejected as indefinite because they include two transitional phrases, "... comprising..." and "...consisting essentially of...." in the same claim.

Applicant has amended the claims to remove this ground for rejection.

Claim 1 (line 2), claim 4 (line 5), claim 10 (line 2), claim 11 (line 1), claim 12 (line 2), claim 13 (line 2), claim 14 (line 2), claim 15 (line 2), claim 16 (line 2) and claim 17 (line 2) which recite "... unsaturated ester/ether/ether-ester...." are considered indefinite. It is not clear as to whether reference is to a single compound, a list of compounds or a mixture of these compounds. In the present office action claims are interpreted as containing "unsaturated esters, unsaturated ethers or unsaturated ether-esters".

Applicant has amended the claims to provide added clarity, thus obviating this ground for rejection.

Non-Statutory Double Patenting

Claims 1-4 and 9-20 stand provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 and 9-20 of copending Application No. 10/853,516. This is a

provisional double patenting rejection since the conflicting claims have not in fact been patented.

Applicant acknowledges this provisional rejection and will take appropriate action at such time as the claims in question are otherwise in form for allowance.

Claim Rejections - 35 USC § 102

Claims 1-12 and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sugerman et al (WO 99/32563) as evidenced by Brandrup et al (Polymer Handbook, 3rd Edition, page V/72).

As stated by the examiner, Sugerman et al. disclose combinations of reactive amines and hydroxyl bearing unsaturated esters and/or ethers and/or ether-esters.

Applicant has amended the instant claims to delete reference to the optional amine component of the present composition, thus obviating this ground for rejection.

Claim Rejections - 35 USC § 103

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sugerman et al (WO 99/32563) as evidenced by Brandrup et al (Polymer Handbook, 3rd Edition, page V/72).

As stated above, applicant has amended the instant claims to delete reference to the optional amine component of the present composition. The amended amine free claims of the present invention are not made obvious by Sugerman et al (WO 99/32563) who require an amine component.

For the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-3894.

Respectfully submitted,



Serle Mosoff
Reg. No. 25,900

Customer No.: 61650
(973) 401-7157

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Date